

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK-----x  
PRESIDION SOLUTIONS, INC.,

Plaintiff,

-against-

BRENTWOOD CAPITAL CORPORATION,  
CHARLES J. SPINELLI, and O. RAY  
McCARTHA,

Defendants.

-----x  
GERARD E. LYNCH, District Judge:

This case was reassigned to the undersigned judge on May 21, 2007. At that time, three motions were pending: a motion to dismiss the amended complaint, a motion to withdraw as counsel by Levy & Boonshoft, P.C., counsel for defendants, and a motion to withdraw as counsel by Berman, Kean & Riguera, P.A., counsel for plaintiff. By order dated May 30, 2007, the Court scheduled a hearing on all three motions for June 15, 2007, directing that the order be served on all parties by their counsel.

At the hearing, none of the defendants appeared to oppose the motion to withdraw by their counsel, nor have they otherwise indicated any opposition. Plaintiff Presidion Solutions, Inc. ("Presidion"), appearing by its Chief Legal Officer, James E. Baiers, Esq., withdrew its previously-filed opposition to the motion to withdraw by its counsel.

Accordingly, it is hereby ORDERED that:

1. For the reasons stated on the record today in open court, defendants' motion to dismiss (Doc. #16) is denied. Accordingly, the Clerk of the Court is respectfully directed to mark as closed plaintiff's motion for an extension of time to file its reply to this motion (Doc. #39), which appears as an open motion for purposes of certain internal statistical reports.
2. For the reasons stated on the record today in open court, the motion by Levy & Boonshoft, P.C., to withdraw as counsel for defendants (Doc. #32), and the motion by Berman, Kean & Riguera, P.A., to withdraw as counsel for plaintiffs (Doc. #35), are granted.

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05 Civ. 7905 (GEL)

**ORDER**

3. On July 6, 2007, at 10:00 a.m., all parties shall appear for a conference in Courtroom 6B of the United States Courthouse at 500 Pearl Street, New York, New York 10007.
4. Plaintiff Presidion and defendant Brentwood Capital Corporation are advised that, as corporations, they may not appear pro se, and must therefore appear through counsel having properly entered an appearance in this Court. Defendants Charles Spinelli and O. Ray McCartha are advised that they may appear pro se if they choose.
5. If no attorney appears for plaintiff Presidion at the scheduled conference on July 6, the case will be dismissed for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.
6. If an attorney appears on behalf of plaintiff Presidion at the July 6 conference, and any defendant fails to make a proper appearance, that defendant will be held in default. As noted above, the individual defendants may appear pro se if they choose, but corporations may appear only through counsel.
7. If the individual defendants wish to appear pro se, they are advised that the Pro Se Office at the United States Courthouse, 500 Pearl Street, Room 203, New York, New York, 10007, telephone number (212) 805-0175, may be of assistance in connection with court procedures.

SO ORDERED.

Dated: New York, New York  
June 15, 2007

  
GERARD E. LYNCH  
United States District Judge